

## REMARKS

The final office action mailed June 16, 2004 has been received and reviewed. Claims 28 and 48 through 61 were pending in the application. Claims 54 through 61 were allowed, while the other claims were rejected. Claims 28, 48, and 50 are to be canceled. The application is to be amended as previously set forth. All amendments and claim cancellations are made without prejudice or disclaimer. No new matter has been added. Reconsideration is respectfully requested.

### A. Claims 28 and 48 and 35 U.S.C. § 112, 1<sup>st</sup> ¶:

Claims 28 and 48 were rejected under the first paragraph of 35 U.S.C. § 112. Although applicants do not agree with the rejection, applicants are canceling the claims, without prejudice or disclaimer, thus mooting the rejection.

### B. Claims 28, 48-49, and 51-53 and 35 U.S.C. § 112, 1<sup>st</sup> ¶:

Claims 28, 48-49 and 51-53 were rejected under the first paragraph of 35 U.S.C. § 112 as assertedly lacking enablement. Applicants have canceled claims 28 and 48 thus mooting the rejection with respect to them. With respect to the other rejected claims, although applicants do not agree with the rejection, applicants are amending independent claim 49 (from which the other claims depend) to include the admittedly enabled subject matter of claim 50 (*i.e.*, wherein administering a subgroup C recombinant adenovirus to a mesenchymal stem cell occurs *in vitro*). Objected to claim 50 is to be canceled.

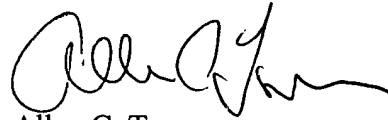
The rejection should thus be overcome by the amendment.

### C. 37 C.F.R. 1.116:

The foregoing amendments should be entered as they merely cancel claims and should place the application in condition for allowance.

If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allen C. Turner', with a stylized, flowing script.

Allen C. Turner

Registration No. 33,041

Attorney for Applicants

TRASKBRITT, P.C.

P.O. Box 2550

Salt Lake City, Utah 84110-2550

Telephone: 801-532-1922

Facsimile: 801-531-9168

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